

CAUSE NUMBER PD-0585-21

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
2/28/2022
DEANA WILLIAMSON, CLERK

AUSTIN, TEXAS

DANIELLE LEIGH EDWARDS,
Appellant
vs.
THE STATE OF TEXAS,
Appellee

On Discretionary Review from Cause Number 03-20-00138-CR
In the Third Court of Appeals in Austin, Texas

Appealed from Cause Number 18-217
In the 421st Judicial District Court of Caldwell County, Texas

STATE'S AGREED MOTION TO EXTEND TIME TO FILE BRIEF

Fred Weber
Criminal District Attorney
Caldwell County, Texas

By:
Chase G. Goetz
Assistant Criminal District Attorney
1703 S. Colorado Street, Box 5
Lockhart, Texas 78644
Telephone: (512) 398-1811
Facsimile: (512) 398-1814
State Bar No. 24106009
ATTORNEY FOR THE STATE

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW The State of Texas, by and through the undersigned Assistant Criminal District Attorney of Caldwell County, Texas, and files this Motion to Extend Time to File Brief, and with respect thereto would show unto the Court the following:

I. PROCEDURAL HISTORY

On October 16, 2019, Appellant was convicted of Injury to a Child. 1 Clerk R. at 152. Appellant was sentenced to a twelve-year confinement in the Texas Department of Criminal Justice—Institutional Division. *Id.* at 163. The Third Court of Appeals affirmed the trial court’s judgement of conviction. *Edwards v. State*, No. 03-20-00138-CR, 2021 WL 2692350 (Tex. App.—Austin July 1, 2021, pet. granted) (mem. op., not designated for publication). This Court granted Appellant’s petition for discretionary review on October 27, 2021. After an extension, Appellant’s brief was due on December 15, 2021. Appellant untimely submitted her brief to the Court on December 21, 2022, along with a motion for extension of time. The Court accepted Appellant’s brief on January 25, 2022.

II. FACTS IN SUPPORT OF MOTION

The undersigned is the attorney who wrote the State’s brief on direct appeal before the Third Court of Appeals, and is familiar with the facts; however, I have recently been reassigned to the Office’s civil division, and serve as the Office’s sole

civil attorney for the County. In addition to providing legal services to the Commissioners Court and other public officials, I retained the Office's appellate and post-conviction writ cases, in addition to assisting with misdemeanors, felony, and protective orders as needed. Further, I have been preparing for jury trial involving multiple counts of first degree aggravated sexual assault of a child. At this time, the undersigned attorney has not been able to complete the State's Brief.

III. DEADLINE FOR FILING STATE'S REPLY BRIEF

Pursuant to Tex. R. App. P. 38.6(b), the State's brief is due on or before thirty days from when Appellant filed her brief. Currently, the State's brief is due on or before February 24, 2022.

IV. REQUESTED LENGTH OF EXTENSION

The State requests a thirty-two-day extension from the present due date, such that the new filing deadline is March 28, 2022.

V. AGREED MOTION

The State has contacted the office of Appellant's attorney, Susan Schoon, who has no objection to this Motion.

VI. NUMBER OF PRIOR EXTENSIONS GRANTED

This is the State's first request for an extension of time to file its brief. The State does not seek this extension for the purposes of delay, but so that justice may be done.

VII. VERIFICATION NOT REQUIRED

All facts recited in this Motion are within my personal knowledge; therefore, no verification is necessary under Tex. R. App. P. 10.2(c).

VIII. PRAYER

WHEREFORE, PREMISES CONSIDERED, the State prays that the Court grant this Motion and extend the time to file the State's brief to March 28, 2022.

Respectfully submitted,

FRED WEBER
Criminal District Attorney
Caldwell County, Texas

/s/ Chase G. Goetz

By: _____
Chase G. Goetz
Assistant Criminal District Attorney
1703 S. Colorado Street, Box 5
Lockhart, Texas 78644
Telephone: (512) 398-1811
Facsimile: (512) 398-1814
State Bar No.: 24106009
ATTORNEY FOR THE STATE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion was served on Susan Schoon, the attorney for Appellant, Danielle Edwards, on February 24, 2022, in accordance with the Tex. R App. Proc. 9.5(e).

Susan Schoon
208 S. Castell, Suite 201
New Braunfels, Texas 78130
susan@schoonlawfirm.com
SBN: 24046803

/s/ Chase G. Goetz

Chase G. Goetz

CERTIFICATE OF COMPLIANCE

The undersigned attorney certifies that the above State's Motion complies with Texas Rule of Appellate Procedure 9.4. Using the word count feature of Microsoft Word, the undersigned certifies that this Motion contains 474 words.

/s/ Chase G. Goetz

Chase G. Goetz

Automated Certificate of eService

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Chase Goetz on behalf of Chase Goetz
Bar No. 24106009
chase.goetz@co.caldwell.tx.us
Envelope ID: 62064786
Status as of 2/25/2022 9:49 AM CST

Associated Case Party: Danielle Edwards

Name	BarNumber	Email	TimestampSubmitted	Status
Susan Lee Schoon	24046803	susan@schoonlawfirm.com	2/24/2022 4:48:05 PM	SENT

Associated Case Party: StateofTexas

Name	BarNumber	Email	TimestampSubmitted	Status
Stacey Soule		stacey.soule@spa.texas.gov	2/24/2022 4:48:05 PM	SENT
Chase Goetz		chase.goetz@co.caldwell.tx.us	2/24/2022 4:48:05 PM	SENT